

JODY MCCREARY, #1142309	§	
VS.	§	CIVIL ACTION NO. 6:09cv105
WENDALL GARDNER, ET AL.	§	

Plaintiff Jody McCreary, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit concerning facts surrounding his 2002 conviction for robbery. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the lawsuit should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the civil rights complaint is **DISMISSED** without prejudice because the Plaintiff has not shown that he paid the monetary sanctions assessed in Appeal No. 08-40665. It is further

ORDERED that all motions not previously ruled on are **DENIED**.

So ORDERED and SIGNED this 26th day of March, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE